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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   BENJAMIN ROBERT GALLEGOS,   No. 2:24-cv-2526 DJC CKD P

12   Plaintiff,

13   v.   ORDER

14   R. FERNANDEZ, et al.,

15   Defendants.

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17   Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action

18   seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States

19   Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20   On November 22, 2024, the magistrate judge filed findings and

21   recommendations herein which were served on plaintiff and which contained notice

22   to plaintiff that any objections to the findings and recommendations were to be filed

23   within fourteen days. Plaintiff has not filed objections to the findings and

24   recommendations.

25   The court presumes that any findings of fact are correct. *See Orand v. United*

26   *States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law

27   are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.,* 708 F.2d 452, 454

28   (9th Cir. 1983). Having reviewed the file, the Court finds the findings and

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1 recommendations to be supported by the record and by the magistrate judge's

2 analysis.

3   Accordingly, IT IS HEREBY ORDERED that:

4   1. The findings and recommendations filed November 22, 2024, are adopted

5 in full; and

6   2. Plaintiff's motion for preliminary injunctive relief (ECF No. 2) is denied

7 without prejudice; and

8   3. This matter is referred back to the assigned Magistrate Judge for all further

9 pretrial proceedings.

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11   IT IS SO ORDERED.

12 Dated: **January 17, 2025**

     Daniel J. Calabretta

13   Hon. Daniel J. Calabretta
     UNITED STATES DISTRICT JUDGE

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